



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 24 2010

EPA Region 5 Records Ctr.



363504

**MEMORANDUM**

SUBJECT: ACTION MEMORANDUM - Request to Conduct a Time-Critical Removal Action at the Anchor Metals Finishing Site located at 9355 Bernice Avenue in Schiller Park, Cook County, Illinois (B5SZ)

FROM: Fredrick A. Micke, On-Scene Coordinator *DZ for FAM*  
Emergency Response Branch 2 -- Section 3

THRU: Linda M. Nachowicz, Chief *CMG for LN*  
Emergency Response Branch 2

TO: Richard C. Karl, Director  
Superfund Division

**I. PURPOSE**

The purpose of this memorandum is to request and document your approval to expend up to \$ 378,876 to perform a time critical removal action to mitigate threats to public health, welfare, and the environment in industrial and residential areas adjacent to the Anchor Metal Finishing Site in Schiller Park, (Cook County), Illinois. The response action is necessary to address the release and the threat of future releases of hazardous materials in these residential areas.

The response actions to the release and potential release of hazardous materials will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (CERCLA), 42 U.S.C. § 9604(a)(1) to abate the further release into the environment. The presence of uncontrolled hazardous substances at the Site, a former and abandoned metal finishing facility makes this a time-critical removal action.

There are no nationally significant or precedent setting issues associated with the residential portion of the Anchor Metal Finishing Site. This Site is not proposed for the National Priorities List.

The project will require on estimated 22 on-site working days to complete.

## **II. SITE CONDITIONS AND BACKGROUND**

CERCLIS ID# ILN000510404

The Anchor Metal Finishing Site is located at 9355 Bernice Avenue in Schiller Park, Illinois. The meridian coordinates for the Site are latitude 41° 56' 53.86" North and longitude 87° 51' 40.27" West. The Site contains a one-story brick building with an area of approximately 10,000 square feet (ft<sup>2</sup>) that includes a small metal loft, an office in the northeast corner, and a partially walled workshop in the middle of the building's main floor. The building has a concrete floor except for a gravel area along the south wall. A gravel parking area is located north and east of the building. The gravel parking area occupies approximately 26,000 ft<sup>2</sup>.

The Site is located in an industrial park area bordered by commercial trucking businesses to the east and south and industrial businesses to the north and west. Residences are located within 0.20 mile southwest and 0.20 mile north and northeast of the Site. Several schools and a hospital are located near the Site, including East Leyden High School, Lincoln Middle School, a daycare center, and Animal Care Hospital. The Des Plaines River is located 0.30 mile east of the Site.

Anchor Metal Finishing, Inc. was a black oxide finisher that used chemical conversion on steel, a process that did not involve electroplating. Before Anchor Metal Finishing, Inc., Royal Metal Finishers conducted finishing operations at the Site. Royal Metal Finishers conducted two primary on-site operations: zinc plating on carbon steel and black oxidizing of steel. Royal Metal Finishers also conducted smaller operations for black oxidizing of stainless steel and copper plating on carbon steel. Process wastes generated by Royal Metal Finishers included filter press wastes, zinc bath sludge, iron oxide sludge, copper bath sludge, and zinc plating cleaner sludge. Royal Metal Finishers ceased operations at the Site in the late 1980s, around the time when Anchor Metal Finishing began renting space in the Site building. Anchor Metal Finishing, Inc. operated at the Site from the late 1980s until January 2008. The Elite Sewer Company is presently operating as a business on the property. Elite Sewer uses the building for storage and occupies the building office. Elite Sewer also utilizes the property parking lot.

The Illinois Environmental Protection Agency (IEPA) on January 8, 2008, responded to a complaint that Anchor Metal Finishing, Inc. was relocating to another location and moving drums in the middle of the night. IEPA inspectors completed an inventory of processed waste with the Anchor Metal Finishing, Inc., foreman, Daniel Wozniak. The IEPA inspectors advised Mr. Wozniak to develop and submit a formal written inventory of all the chemicals and materials at the Site. Because of the large number of drums, their poor condition, and uncontrolled Site conditions related to waste storage, IEPA requested U.S. EPA's assistance.

U.S. EPA conducted a Site Assessment at the Site on October 15, 2009. The on-site building was found to be in general disrepair. The Village of Schiller Park placed a "No Occupancy" sign on the front door of the building. It was raining during the site assessment, and the roof was leaking in multiple places where it was torn off during high winds. The main floor of the building contained approximately 125 55-gallon drums, including unmarked containers, drums labeled "Muriatic Acid," and a drum labeled "Hazardous Waste." Other waste material observed included 22 1-cubic-yard (yd<sup>3</sup>) cardboard boxes of sludge; an in-ground vat running along the south wall containing approximately 5,400 gallons of liquid with 4 inches of sludge at the bottom; a sump in the northwest corner; and 28 partially filled 5-gallon pails. Rainwater was observed pooling near the open sludge boxes. The loft area contained approximately 75 55-gallon half-filled drums of sludge and several open drums of unknown waste that had formed crystals around the tops of the drums. Many of the drums both on the main floor and in the loft were filled with unknown contents at or above the drums' capacities. Several of the drum storage areas had inadequate aisle space, making it difficult to inspect the condition of some drums. Most of the drums were open and stored on pallets.

The area surrounding the Anchor Metal Finishing Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The Anchor Metal Finishing Site is in a census tract with a score of 1 (Attachment A). Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

### **III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the Anchor Metal Finishing Site present an imminent and substantial endangerment to the public health, welfare, and the environment and meet the criteria for a time-critical removal action provided for in Section 300.415 (b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 C.F.R. Part 300. The criteria include, but are not limited to the following:

**i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.**

The Site is located in an industrial park area bordered by commercial trucking businesses to the east and south and industrial businesses to the north and west. Residences are located within 0.18 mile southwest and 0.20 mile north and northeast of the Site. Several schools and a hospital are located near the Site. The Des Plaines River is located 0.29 mile east of the Site. The Site is surrounded by an 8-foot high chain-link fence with a padlocked front gate. During the Site Assessment, some the building doors were not locked and several were open, which would allow unrestricted

access to the building, if the fence were compromised. A recreational vehicle (RV) that appears to be occupied is parked adjacent to the east side of the building.

Corrosive materials were identified in open drums at the Site, including waste characterized as hazardous for corrosivity as defined in 40 CFR 261. These materials could be accessed by trespassers if they gain access to the building through open doors.

**ii) Hazardous substances, pollutants, or contaminants in drums, barrels, tanks, or other bulk storage container that may pose a threat of release.**

Corrosive materials were identified in open drums at the Site. The pH of several of the liquid waste samples (WL03, WL03D, and WL04) was 14. Liquid waste sample WL05 had a pH of 1. In addition, solid/sludge sample WS07 had a pH of greater than 12.5. These samples meet the definition of hazardous waste characteristic of corrosivity according to 40 CFR 261.22. In addition, the building roof was leaking in several areas. Because many of the drums and containers are open, materials could be released if precipitation leaking through the roof overfills the containers and drums and they discharge to the gravel area, sump, or any openings in the building.

High concentrations of chromium were detected in the solid/sludge waste sample from WS04 (1800 mg/kg) and the SS03 soil sample (2200 mg/kg). The WS04 sampling location is near the north side of the building, and contamination could migrate out of the building during periods of precipitation. In addition, sludge waste from the deteriorated 1-yd<sup>3</sup> sludge boxes could migrate out of the building and onto the Site property. The removal action level (RAL) for total chromium in an industrial setting is 154,000 mg/kg.

Chromium is a naturally occurring element; however, hexavalent chromium is generally produced by industrial processes such as chrome plating and finishing. The health effects of exposure to trivalent and hexavalent chromium has been researched and is well documented. Existing information about chromium, especially hexavalent chromium, is mainly related to worker exposure. Plating industry workers and workers in other industries utilizing chromium are most susceptible to toxic levels. Hexavalent and trivalent chromium can be toxic at high levels; however, hexavalent chromium is the most toxic. Chromium is also listed under D007 as a hazardous waste. According to the National Institute of Occupational Safety and Health (NIOSH), the immediately dangerous to life and health (IDLH) level for chromium is 250 micrograms per cubic meter (ug/m<sup>3</sup>).

**iii) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.**

A high concentration of chromium was detected in the soil sample SS03 (2200 mg/kg). A high concentration of benzo(a)pyrene was detected in soil samples SS01 (793 ug/kg) SS02 (822 ug/kg). These sampling locations are outside the north and

south sides of the building, and contamination could migrate offsite during periods of precipitation.

**iv) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.**

The Site contains approximately 200 open 55-gallon drums, 28 partially filled 5-gallon pails, 22 1-yd<sup>3</sup> sludge boxes, a sump, and an in-ground vat. Materials identified in drums at the Site were characterized as hazardous waste for corrosivity as defined in 40 CFR 261, and materials in the sludge boxes contained high levels of chromium. In addition, the building roof was leaking in several areas. Because many of the drums and containers are open, materials could be released if precipitation leaking through the roof overfills the containers and the drums and they discharge to the gravel areas, sump, or other openings in the building.

**v) Threat of fire or explosion.**

A live power cord was lying across pooled water on the floor of the building, and an on-site recreational vehicle appeared to be receiving power from the building, likely through an improper connection. The building roof was leaking in several places and many of the ceiling fixtures were exposed. If an electrical fire were to start, hazardous contaminants and vapors could be released to the atmosphere or soil during a fire.

**vi) The availability of other appropriate federal or state response mechanisms to respond to the release.**

The State of Illinois does not have the financial resources to eliminate this threat.

**IV. ENDANGERMENT ASSESSMENT**

Given the site conditions, the nature of the hazardous substances on-site and the potential exposure pathways described in Sections II and III above, the actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in the Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

The response actions described in this memorandum directly address actual or potential releases of hazardous substances at the Site, which pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

- 1) Prepare a work plan that includes tasks and time line for the activities as well as a site Health and Safety Plan addressing continuous monitoring of airborne contaminants and dust control measures and a Site Emergency Contingency Plan;
- 2) Develop and implement a Site Security Plan;
- 3) Inventory and perform hazard characterization on all substances contained in containers, drums, vats, sweepings, unknown materials, and tanks;
- 4) Dismantle and decontaminate process equipment, tanks/vats, associated piping, and building components associated with the product process area, as necessary;
- 5) Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;
- 6) Investigate the potential for soil and building wall/floor contamination on the property;
- 7) Excavate and dispose of significantly contaminated soil
- 8) Backfill the excavated areas with clean material and topsoil. Restore and vegetate to prevent soil erosion.
- 9) Properly address any additional hazardous waste and/or materials identified during the removal action.
- 10) Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants that pose a substantial threat of release at a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440); and
- 11) Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the NCP.

The threats posed by open and deteriorated tanks and drums, in addition to numerous unidentified closed drums containing substances considered hazardous substances meet the criteria listed in Section 300.415(b)(2) of the NCP and the response actions proposed herein are consistent with any long-term remedial actions which may be

required. However, elimination of hazardous substances, pollutants and contaminants that pose a substantial threat of release are expected to greatly minimize substantial requirements for post-removal Site controls.

The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(1) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal Site control.

As determined by U.S. EPA, all hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance with Off-Site Rule, 40 CFR § 300.440.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

The detailed cleanup contractor cost estimate is presented in Attachment 3 and estimated project costs are summarized below:

#### REMOVAL PROJECT CEILING ESTIMATE

##### EXTRAMURAL COSTS:

##### Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$ 284,330
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(This cost category includes estimates for: ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with other Federal Agencies. Includes 20% Contingency.)

##### Other Extramural Costs not Funded from the Regional Allowance:

Total START, including multiplier costs	\$ 31,400
<u>Subtotal, Extramural Costs</u>	<u>\$ 315,730</u>

Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	<u>\$ 63,146</u>
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<b>TOTAL, REMOVAL ACTION PROJECT CEILING</b>	<b>\$ 378,876</b>
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**Applicable or Relevant and Appropriate Requirements**

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. An e-mail was sent to Mr. Bruce Everetts of IEPA on February 23, 2010 asking for any State of Illinois ARARs that may apply.

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Failing to take, or delaying action will increase the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$ 628,657.<sup>1</sup>

$$(\$ 378,876 + \$10,000) + (61.66\% \times \$ 378,876 + \$10,000) = \$ 628,657$$

<sup>1</sup>Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

## IX RECOMMENDATION

This decision document represents the selected removal action for the residential portion of the Anchor Metal Finishing Site located in Schiller Park, IL. It was developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site (Attachment 1). Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action.

The total removal action project ceiling if approved will be \$ 378,876. Of this, an estimated \$ 347,476 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE  DATE: 6-24-10  
Director, Superfund Division

DISAPPROVE \_\_\_\_\_ DATE: \_\_\_\_\_  
Director, Superfund Division

### Enforcement Addendum Attachments

1. Administrative Record Index
2. Environmental Justice Analysis
3. Detailed Contractor and START Estimate
4. Independent Government Cost Estimate

cc: D. Chung, U.S. EPA 5202G  
M. Chezik, U.S. Department of Interior, w/o Enf. Addendum  
D. Klopke, w/o Enf. Addendum

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**ENFORCEMENT CONFIDENTIAL ADDENDUM**

**ANCHOR METALS FINISHNG SITE  
SCHILLER PARK, ILLINOIS**

**MARCH 2010**

**(REDACTED 2 PAGES)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

# **ATTACHMENT 1**

## **U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION**

### **ADMINISTRATIVE RECORD FOR ANCHOR METALS FINISHING SITE SCHILLER PARK, COOK COUNTY, ILLINOIS**

**ORIGINAL  
FEBRUARY 23, 2010**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>AUTHOR</u></b>	<b><u>RECIPIENT</u></b>	<b><u>TITLE/DESCRIPTION</u></b>	<b><u>PAGES</u></b>
1	01/29/10	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report for Anchor Metals Finish- ing (Revision 1)	195
2	00/00/00	Micke, F., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request to Conduct a Time-Critical Removal Action at the Anchor Metals Finishing Site <b>(PENDING)</b>	

**ATTACHMENT 2**

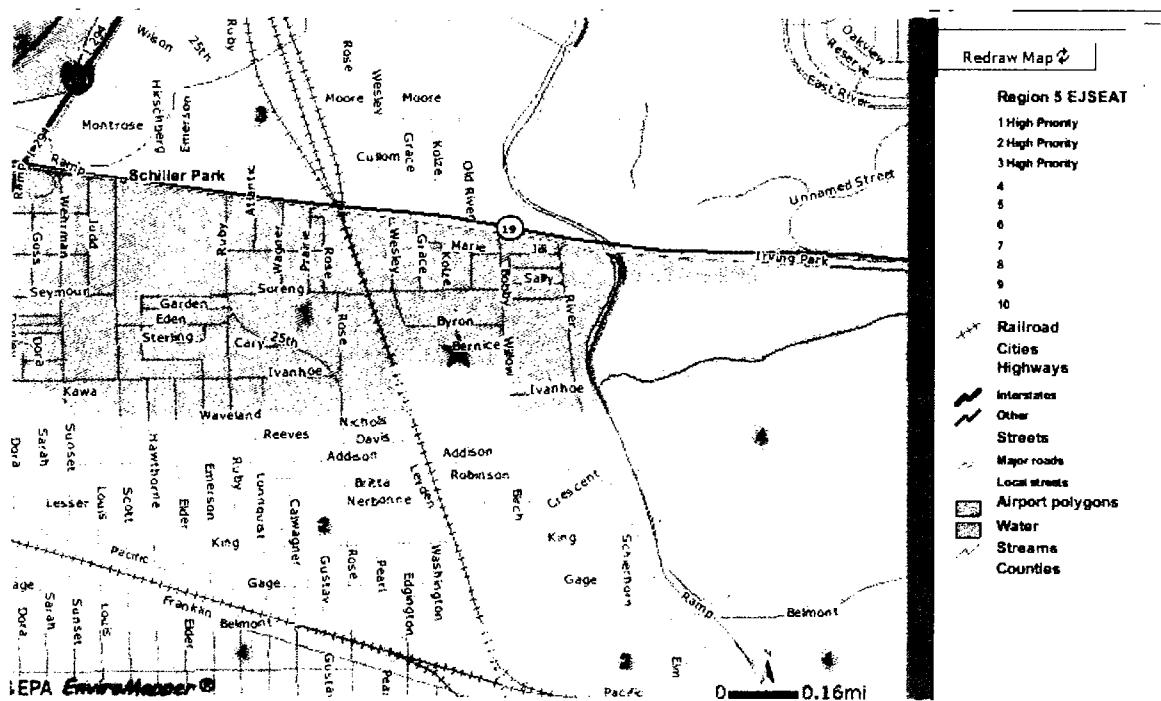
**ENVIRONMENTAL JUSTICE  
ANCHOR METAL FINISHING  
SCHILLER PARK, IL**

## R5 Superfund EJ Analysis for Anchor Metal Finishing

The area surrounding the Anchor Metal Finishing Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The Anchor Metal Finishing Site is in a census tract with a score of 1 (Attachment A). Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

### Attachment A

#### Anchor Metal Finishing Site Map Showing EJ SEAT Values For Surrounding Area



### **ATTACHMENT 3**

#### **DETAILED CLEANUP CONTRACTOR AND START ESTIMATE ANCHOR METAL FINISHING SITE SCHILLER PARK, IL MARCH 2010**

The estimated cleanup contractor costs necessary to complete the removal action at the Tracy Lead Battery Site are as follows:

##### **CONTRACTOR ESTIMATE**

Personnel	\$ 80,085
Equipment	\$ 18,777
Sub-Contracts: T&D etc.	<u>\$ 138,080</u>
Sub-Total	\$ 236,942
20% Contingency	\$ 47,388
<b>Total</b>	<b>\$ 284,330</b>

##### **START ESTIMATE**

22 work days (240 hrs@ \$ 110/hr.)	\$ 26,400
Report writing	3,000
Equipment	<u>2,000</u>
<b>Total</b>	<b>\$ 31,400</b>

**ATTACHMENT 4**

INDEPENDENT GOVERNMENT COST ESTIMATE

ANCHOR METAL FINISHING SITE  
SCHILLER PARK, ILLINOIS

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION